

REMARKS**1.) Claim Amendments**

Applicant has amended claims 1 and 11 to better claim the invention; claims 3 and 15-19 have been canceled, without prejudice; and claim 19 has been added to further claim the invention. Support for the amendments can be found, e.g., on page 10, line 16 through page 11, line 5. Accordingly, claims 1-2, 4-14 and 19 are pending in the present patent application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 102

Claims 1-5, 7-13, 16, and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,629,693 issued to Janky (hereinafter "Janky"). To support such rejection, Janky must disclose every element of the invention as claimed. More particularly, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). With the above requirement in mind, Applicant respectfully traverses this rejection insofar as it applies to the amended claims per discussion below.

Regarding independent claim 1, Applicant has amended it by incorporating the canceled subject matter of claim 3 to better distinguish the claimed invention from Janky. More specifically, if the positioner is unable to determine the position information the transceiver would continuously transmit a tone in response to a received position request and such tone is used for determining the position information. For example, the wireless communication system receiving the transmitted tone could use triangulation to determine the geographic position information of the mobile device as further explained, e.g., on page 10 line 16 through page 11, line 5. By doing so, the

present invention ensures that the geographic position information of the mobile device could be determined even if the positioner or the GPS satellites are malfunctioned.

Applicant respectfully submits that Janky fails to teach or suggest a transceiver that continuously transmits a tone to be used to determine the geographic position information if the positioner is unable to determine the geographic position information of the mobile device. Regarding Janky, it generally discloses a location determination and reporting (LDR) system for clandestinely determining and reporting on the present location of a missing vehicle. *Column 3, lines 3-6*. Such LDR system associated with a vehicle includes a cellular phone unit, location determination unit and a controller. *Column 4, lines 33-51*. When the cellular phone unit receives an incoming call, it has to determine whether such incoming call is a location request or a regular phone call to be answered by a user of the cellular phone unit. *Column 3, lines 27-57*. To do so, the cellular phone unit receiving the incoming call would delay alerting anyone of such incoming call and wait for a predetermined time period such as 5 seconds to see whether it will also receive a location interrogation signal from a central station within such predetermined time period. *Column 3, lines 37-34*. If so, the cellular phone unit will not "ring" in the usual sense, provide no indication that it is communicating with the central station and transmit information regarding the vehicle's present location to the central station. *Column 3, lines 34-39*. If the cellular phone unit does not receive such location interrogation signal within the predetermined time period, it will treat the incoming call as a regular phone call and produce a standard audible ringing tone to alert the occupant of the vehicle of such incoming regular phone call. *Column 3, lines 40-52*. If such incoming regular phone call is not answered, the cellular phone unit will continue to transmit the sounds of actual ringing for the benefit of the caller until the caller disconnects or until a selected large number of rings has occurred. *Column 3, lines 52-57*. In the Office Action, the Examiner indicates that this continued transmission of the sounds of actual ringing is the same as the continuous transmission of the tone by the present inventive transceiver. *Office Action, page 3* (referring to claim 3). This indication is **incorrect**. More specifically, the present inventive transceiver continuously transmits the tone, which is later used to determine the geographic position information of the mobile device, if the positioner is unable to determine such

geographic position information. The present invention purposely has this feature in place to safeguard against any potential malfunction of the positioner or the GPS satellites. *In contrast*, Janky transmits the sounds of actual ringing to audibly alert the occupant of the vehicle of the incoming regular phone call. Thus, Janky simply fails to teach or suggest all the limitations of the amended claim 1.

Based on the above discussion, the amended independent claim 1 is not anticipated by and is believed to be patentably distinguishable over Janky.

Claims 2, 4-5 and 7-10 depend from claim 1, which is believed to be patentable, and thus their rejection is moot.

The amended independent claim 11 contains limitations that are similar to those of claim 1 and thus claim 11 is not anticipated by and is believed to be patentably distinguishable over Janky for reasons similar to those discussed above regarding claim 1.

Claims 12-13 depend from claim 11, which is believed to be patentable, and thus their rejection is moot.

Claims 16-17 have been canceled and thus their rejection no longer applies.

3.) Claim Rejections – 35 U.S.C. § 103

Claims 6, 14-15, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Janky in view of U.S. Patent No. 5,712,899 issued to Pace II (hereinafter "Pace").

Regarding claim 6, it depends from the amended independent claim 1, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over Janky in view of Pace. *MPEP 2143.03*.

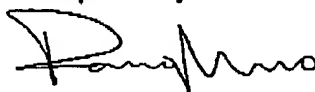
Regarding claim 14, it depends from the amended independent claim 11, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over Janky in view of Pace. *MPEP 2143.03*.

Claims 15 and 18 have been canceled and thus their rejection no longer applies.

CONCLUSION

Claims 1-2, 4-14 and 19 are presently standing in this patent application. In view of the foregoing remarks, each and every point raised in the Office Action mailed on October 3, 2003 has been addressed on the basis of the above remarks. Applicant believes all of the claims currently pending in this patent application to be in a condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested. However, should the Examiner believe that direct contact with Applicant's attorney would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



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